

Rule 27A.

Effective May 7, 2012 under Rule
11-105(5). Subject to change after
the comment period

Rule 27A. Stays pending appeal from a court not of record- appeals for a trial de novo.

(a) Except as outlined in subsection (d) below, The procedures in this rule shall govern stays of terms of sentences when a defendant files an appeal in a court not of record for a trial de novo pursuant to Utah Code §78A-7-118(1).

(b) Upon the timely filing of a notice of appeal for a trial de novo, the court shall:

(b)(1) order stayed any fine or fee payments until the appeal is resolved; and

(b)(2) order stayed any period of incarceration, unless:

(b)(2)(A) at the time of sentencing, the judge found by a preponderance of the evidence that the defendant posed a danger to another person or the community; or

(b)(2)(B) the appeal does not appear to have a legal basis.

(c) If a stay is ordered, the judge may leave in effect any other terms of probation, the judge deems necessary including:

(c)(1) continuation of any pre-trial restrictions or orders;

(c)(2) sentencing protective orders under Utah Code §77-36-5.1;

(c)(3) orders that limit or monitor a defendant's drug and alcohol use, including use of an ignition interlock device; and

(c)(4) requiring defendant's bail to continue until defendant's appearance in the district court.

The judge shall only order bail to continue if the court finds by clear and convincing evidence that, without such security, the defendant will likely fail to appear at district court.

(d) The provisions of this rule do not apply to appeals for trial de novo from convictions for violations of Title 41, Chapter 6a, Part 5, DUI and Reckless Driving, or any local ordinance as described in Utah Code §41-6a-501(2)(a)(iii). The procedure outlined in rule 27B shall be used in those cases.

(e) A party dissatisfied with the findings made by the justice court judge in staying a sentence under this rule shall utilize the procedure outlined in rule 27B(g) to obtain relief in the district court.

(f) A court may at any time for good cause shown amend its order granting release to impose

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28 additional or different conditions of release. However, the justice court may only act under this
29 subsection (f) if the district court has not docketed or held any hearings pursuant to this rule.

30 (g) For purposes of this rule, “term of sentence” or “sentence” shall include findings of
31 contempt pursuant to Utah Code §78-32-1 et seq.